

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER aaa: PENSIONS

PART 4451  
TIE BREAKING WHEN CONDUCTING AND ADMINISTRATING  
A BOARD OF TRUSTEE ELECTION

Section

4451.10	Purpose
4451.20	Definitions
4451.30	Prescribed Tie Breaker Procedure
4451.40	Policy and Notification

AUTHORITY: Implementing and authorized by Sections 22B-116(c) and 22C-116(c) of the Illinois Pension Code [40 ILCS 5].

SOURCE: Adopted at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 4451.10 Purpose**

This Part prescribes the procedure for breaking a tie vote in the ballot selection of a Board of Trustee for the Police Officers' Pension Investment Fund (Article 22B of the Code) or the Firefighters' Pension Investment Fund (Article 22C of the Code). The funds shall submit a copy of the official election ballots to the Department of Insurance prior to the election. At the completion of the election count, a fund shall notify the Department in writing of the results within 2 business days.

**Section 4451.20 Definitions**

"Box" means a standard sized container in which confidential sealed envelopes are maintained.

"Candidate" means a person nominated for election.

"Code" means the Illinois Pension Code [40 ILCS 5].

"Coin" means the official State of Illinois commemorative quarter highlighting an image of a young Abraham Lincoln within an outline of the State, a farm scene, the Chicago and State's outline and the 21 stars signifying Illinois as the 21<sup>st</sup> State admitted into the Union.

"Coin Toss" means the act of flipping a coin into the air and coming to rest upon a walking surface, with the outcome of the election dependent on which side of the coin lands face-up.

"Department" means the Illinois Department of Insurance.

"Federal Forms of Identification" means a form of identification accepted by the United States of America that is both current and contains the following: name, date of birth, gender, photograph, expiration date, and a tamper-resistant feature. The most common forms are a U.S. passport, a driver's license, a real identification card, a government ID (city, state or federal), or military ID.

"Fund" means the Police Officers' Pension Investment Fund (see 40 ILCS 5/22B-103) or the Firefighters' Pension Investment Fund (see 40 ILCS 5/22C-103).

"Official Name" means the name as it appears on the written election ballot.

"Official Election Ballot" means the ballot used in the trustee election process.

"Pension Fund" means a fund that transferred securities, funds, assets, and moneys, and responsibility for custody and control of those securities, funds, assets, and moneys, to the fund and that was established pursuant to Article 3 (downstate police) or Article 4 (downstate firefighters) of the Code.

"Sealed Envelope" means a standard 4 1/8-inch by 9 1/2-inch Department mailing envelope holding a 3 by 5-inch index card with a typed numerical number. The numerical number may be affixed using a standard label.

"Tie" means to have an equal number of votes cast between candidates in an election.

"Trustee" means a candidate elected or to be elected by eligible voters who voted or by the tie breaking procedure established in this Part.

### **Section 4451.30 Prescribed Tie Breaker Procedure**

- a) The prescribed procedure shall only apply when a tie vote occurs in the election process of a Board of Trustee to a fund. After a review of the election results provided by the fund, the Department will, within 3 business days, set an agreed upon date, time and place to conduct the tie breaker procedure with the corresponding fund. The fund and the Department shall notify the candidates of a tie and the agreed upon date, time and place to be present. Candidates' contact information shall be provided by the fund. The agreed upon date shall not exceed

20 business days after the recording of election results. The Department shall then proceed with the following tie breaking procedure:

- 1) All candidates must present proof of identity to the Department, at the time of the tie breaker, by means of a federally accepted form of identification.
- 2) If a candidate is not present, the candidate will be declared to have forfeited the election.
- 3) Using a coin, the tied candidates shall take part in a coin toss.
- 4) The first selection of the coin side will be based on the alphabetic order of the candidates' last names. If the candidates have the same last name, the order proceeds to the candidates' official first names. The candidates' middle names and any suffix (Jr., Sr., II, etc.) will not be considered. If the candidates have the same last and first names, then the order in which the candidates appeared on the ballot will be used for the coin toss selection.
- 5) The first candidate then chooses either heads or tails before the Director or the Director's designated representative tosses the coin into the air. The candidate that wins the coin toss will be declared the winner. The winning candidate will be acknowledged in the Board Minutes.
- 6) The location for the coin toss will be agreed upon by the corresponding fund and the Department.
- 7) The Department will maintain minutes on the election proceedings and outcome.

- b) If the election results in more than two tied candidates for the same trustee position within the same fund, the tied candidates will draw a sealed envelope from a designated box. The sealed envelope will contain a corresponding number based on the total number of tied candidates for the same trustee position within the fund. The candidates drawing the numbers 1 and 2 will proceed to the coin toss procedure as outlined. The order of envelope selection by the candidates will be based on the alphabetical order of the candidates' names, taking into considerations the exceptions outlined in subsection (a)(4). However, if a candidate is not present, the candidate will be declared to have forfeited the election. The box and sealed numbers will be independently stored and created by the Department.

**Section 4451.40 Policy and Notification**

The fund shall notify all Article 3 and Article 4 pension funds of the final election results, including the tie breaker results, by means of posting the results on the fund's official website. The results, as provided to the Department, should be posted and updated as necessary after the tie breaker results. Results, as provided to the Department, should be posted at the time of the initial results or updated within one business day after a tie breaker, if necessary.